

Amendment No. 1 to HB3136

**Bone
Signature of Sponsor**

AMEND Senate Bill No. 3096

House Bill No. 3136*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding Sections 2 through 6 as a new Chapter 15.

SECTION 2. This chapter shall be known and may be cited as the "Tennessee Catfish Marketing Law".

SECTION 3. As used in this chapter, unless the context clearly requires otherwise:

- (1) "Catfish" has the same meaning as such term is defined in §53-1-102;
- (2) "Catfish product" means any item capable of use as human food that is made wholly or in part from any catfish or portion thereof;
- (3) "Food service establishment" has the same meaning as such term is defined in §53-8-203 or §68-14-302, as applicable;
- (4) "Menu" means any listing of food and beverage options for a diner or customer to select from regardless of its form;
- (5) "Siluriforme" means fish in the taxonomic order Siluriformes and including those within the taxonomic families Siluridae, Clariidae, and Pangasiidae; and
- (6) "Siluriforme product" means any item capable of use as human food which is made wholly or in part from any siluriforme or portion thereof.

SECTION 4.

(a)

(1) The term "catfish" shall not be used as a common name or brand name or used to advertise, distribute, label, or sell any fish or fish product, except for those species within the definition of catfish set out in this chapter.

(2) The term "catfish" shall not be used in the advertisement, distribution, processing, labeling, or sale of any of those species within the family of Siluridae, Clariidae and Pangasiidae or any other species of fish not included within the definition of catfish set out in this chapter.

(b) This section shall apply to the advertisement, distribution, processing, labeling, or sale of any fish or fish product labeled as "catfish" and sold or offered for sale at a food service establishment.

SECTION 5. All food service establishments serving catfish, catfish products, siluriformes, or siluriforme products shall notify consumers, at the final point of sale of the catfish, catfish product, siluriforme, or siluriforme product to the consumer, of the country of origin of the catfish, catfish product, siluriforme, or siluriforme product, if the consumer requests such information.

SECTION 6. No owner or manager of a food service establishment that sells imported catfish or catfish products shall misrepresent to the public, either verbally, on a menu, or on signs displayed on the premises, that the catfish or catfish product is of United States origin.

SECTION 7. This act shall take effect July 1, 2010, the public welfare requiring it.